

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHROMAR SYSTEMS INC, et al.,  
Plaintiffs,  
v.  
CISCO SYSTEMS INC, et al.,  
Defendants.

Case No. [13-cv-01300-JSW](#) (MEJ)

**DISCOVERY ORDER**

Re: Dkt. No. 199

On August 12, 2014, the parties submitted a joint discovery letter addressing a dispute concerning an email Plaintiff ChriMar produced in the related ITC Investigation and subsequently “clawed back” in that investigation on the basis of the attorney-client privilege and/or the work-product doctrine. Dkt. No. 199. The email was sent by John Austermann, a named inventor of the patent-in-suit, to himself. It is ChriMar’s position that the email is privileged because it reflects legal advice in the form of personal notes Mr. Austermann took of a conversation he had with his attorney, Glenn Forbis. Defendants have propounded document requests in this action requesting that ChriMar produce the clawed-back email.

Upon review of the parties’ positions, the Court ORDERS ChriMar to submit the email for in camera review by August 15, 2014. Although ChriMar requests the opportunity to submit declaration testimony of Mr. Austermann in camera explaining his efforts to confirm the privileged nature of the document, the Court finds no further testimony necessary at this time.

**IT IS SO ORDERED.**

Dated: August 13, 2014

  
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MARIA-ELENA JAMES  
United States Magistrate Judge